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In re Application of :
PAEK, Seungyup *et al* :
U.S. Application No.: 09/831,215 :
PCT No.: PCT/US99/26127 :
Int. Filing Date: 05 November 1999 :
Priority Date: 05 November 1998 :
Docket No.: 32282-PCT-USA 070050.1164 :
For: IMAGE DESCRIPTION SYSTEM AND :
METHOD :

**DECISION ON
PETITION UNDER
37 CFR 1.47(a)**

This is a decision on applicants' "Response to Decision on Petition Under 37 CFR 1.47(a)" filed on 11 July 2003.

BACKGROUND

On 10 January 2003, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed because they failed to satisfy item (2) of 37 CFR 1.47(a).

On 11 July 2003, applicants submitted the instant request which was accompanied by, *inter alia*, a four-month extension and fee, and a declaration signed by five of the eight co-inventors.

DISCUSSION

Applicants failed to meet the requirements of item (2) of 37 CFR 1.47(a) in the initial petition filed 07 June 2002. In the renewed petition, applicants submitted declarations signed by the nonsigning co-inventors, Chung-Sheng Li, John R. Smith, Lawrence D. Bergman, Atul Puri and Qian Huang. These declarations are in compliance with 37 CFR 1.497(a) and (b).

However, the declaration submitted 07 June 2002 with the original petition specified the wrong inventive entity as only seven co-inventors were listed, instead of eight. A review of the record verifies that Qian Huang was added as an applicant/inventor in the international application.

The prior decision dated 10 January 2003 erroneously indicated that this declaration was in compliance with 37 CFR 1.497(a) and (b). That statement was incorrect. The declaration filed 07 June 2002 does not properly identify each inventor and is not in compliance with 37 CFR 1.497(a)(3). A new declaration listing the proper

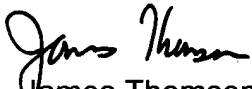
inventive entity and properly executed by co-inventors Seungyup Paek, Ana Benitez and Shih-Fu Chang is required for a grantable petition.

CONCLUSION

For the reason discussed above, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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